

AN ORDINANCE

BY COUNCILMEMBER CLETA WINSLOW



TO ABANDON THAT PORTION OF LARKIN PLACE, BETWEEN LARKIN STREET AND LOWE'S ALLEY, LYING IN LAND LOT 84, 14TH DISTRICT, FULTON COUNTY, GEORGIA AND BEING MORE FULLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND FOR OTHER PURPOSES

WHEREAS, the City of Atlanta has received a formal request from the abutting property owner, Tradeport Development Company, to abandon a portion of Larkin Place, between Larkin Street and Lowe's Alley, for the purpose of using the property for their own private use; and

WHEREAS, the request to abandon said street has been reviewed by the proper city agencies and by all public utilities prior to passage of the legislation; and

WHEREAS, the abandoned right-of-way upon conveyance by the City of Atlanta, will become part of the abutting property owner's private property for redevelopment and revitalization in the Castleberry Hill area; and

WHEREAS, the abutting property owner and the City of Atlanta have agreed to a conveyance of said property contingent upon the abandonment process taking place.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That pursuant to the Applicant meeting the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, the portion of Larkin Place, lying between Larkin Street and Lowe's Alley, and being more fully described in the attached Exhibit "A", is hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

SECTION 3: That the Chief Procurement is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

SECTION 4: That all costs associated with the advertising and appraisal report shall be charged to and paid from Fund, Account and Center Number 3P02 524001 M22F03349999.

SECTION 5: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the Applicant in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

SECTION 6: That the Mayor is hereby authorized to execute a quitclaim deed to Applicant conveying any interest that the City may have in the above-described portion of Larkin Street abandoned herein.

SECTION 7: The date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

SECTION 8: That all ordinances and parts of ordinances in conflict herewith be and the same are waived in this instance only.

This is to certify that this survey was made up to represent the land surveyed. The field precision of one foot in 25,000+ feet, and an adjustment, and was adjusted using the least square Trimble 5603 Robotic Total Station calculated for closure and is found to exceed

Date _____

Georgia Reg. L.

For the Firm
Key: Land Surveyor No. 2766
Travis Pruitt & Associates, Inc.

Pursuant to Rule 180-6.09 of the Georgia State Engineers and Land Surveyors, the term "certified statement" shall mean a signed statement based on a surveyor and is not a guarantee or warranty.

Area Summary:

Tract A = 1.16 Acres

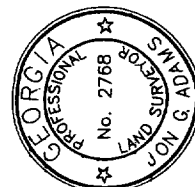
Survey References:

1. Boundary and Above Ground "As-Built" Survey Arch Gary, Margaret McKenzie & Fidelity National Pearson & Associates, Inc., Forest Park, GA, p. 2.
2. Survey Plat of Castleberry Hill Enclave, Inc. GA, dated September 18, 2003.

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I.

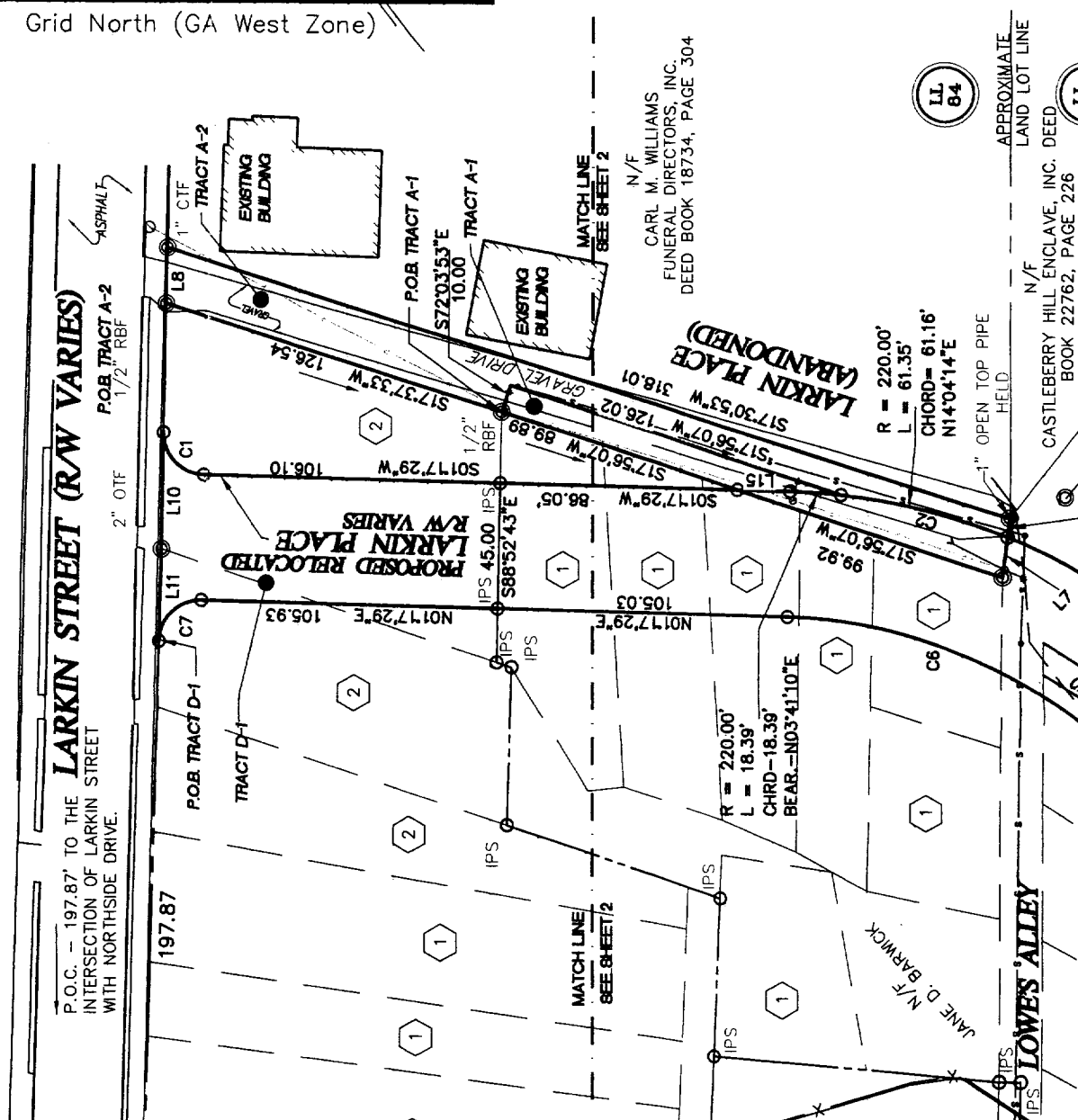
FEBRUARY



FOR THE FIRM
TRAVIS PRUITT & ASSOC., INC.

DRWN BY:MM CHD BY:JA JN:

Grid North (GA West Zone)

**EXHIBIT**

A

LEGAL DESCRIPTION

Tract A-1

All that tract or parcel of land lying and being in Land Lot 84, 14TH District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the southerly right-of-way of Larkin Street (having a variable width right-of-way) and the easterly right-of-way of Northside Drive (having a variable width right-of-way), thence following the southerly right-of-way of Larkin Street 343.27 feet to a 1/2 inch rebar found; thence departing the southerly right-of-way of Larkin Street South 17 degrees 37 minutes 33 seconds West a distance of 126.54 feet to a 1/2 inch rebar found, being the TRUE POINT OF BEGINNING; thence from the true point of beginning as thus established South 72 degrees 03 minutes 53 seconds East a distance of 10.00 feet to a point; thence South 17 degrees 56 minutes 07 seconds West a distance of 126.02 feet to a point; thence, along the arc of a curve to the left a distance of 18.39 feet said arc having a radius of 220.00 feet and being subtended by a chord with a bearing and distance of North 03 degrees 41 minutes 10 seconds East 18.39 feet to a point; thence North 01 degrees 17 minutes 29 seconds East a distance of 19.11 feet to a point; thence North 17 degrees 56 minutes 07 seconds East a distance of 89.89 feet to TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 1069 square feet or 0.02 acres as shown on an Dedication / Abandonment Plat for HJ Russell, prepared by Travis Pruitt and Associates, Inc., dated February 13, 2006

LEGAL DESCRIPTION

Tract A-2

All that tract or parcel of land lying and being in Land Lot 84, 14TH District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the southerly right-of-way of Larkin Street (having a variable width right-of-way) and the easterly right-of-way of Northside Drive (having a variable width right-of-way), thence following the southerly right-of-way of Larkin Street 343.27 feet to a 1/2 inch rebar found being the TRUE POINT OF BEGINNING; thence from the true point of beginning as thus established South 88 degrees 44 minutes 59 seconds East a distance of 20.03 feet to a one inch crimp top pipe found; thence South 17 degrees 30 minutes 53 seconds West a distance of 318.01 feet to a one inch open top pipe found; thence North 83 degrees 09 minutes 52 seconds West a distance of 6.84 feet to a point; thence along the arc of a curve to the left a distance of 61.35 feet said arc having a radius of 220.00 feet and being subtended by a chord with a bearing and distance of North 14 degrees 04 minutes 14 seconds East 61.16 feet to a point; thence North 17 degrees 56 minutes 07 seconds East a distance of 126.02 feet to a point; thence North 72 degrees 03 minutes 53 seconds West a distance of 10.00 feet to a point; thence North 17 degrees 37 minutes 33 seconds East a distance of 126.54 feet to the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 4185 square feet or 0.10 acres as shown on an Dedication / Abandonment Plat for HJ Russell, prepared by Travis Pruitt and Associates, Inc., dated February 13, 2006

LEGAL DESCRIPTION

Tract D-1

All that tract or parcel of land lying and being in Land Lot 84, 14TH District, Fulton County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the southerly right-of-way of Larkin Street (having a variable width right-of-way) and the easterly right-of-way of Northside Drive (having a variable width right-of-way), thence following the southerly right-of-way of Larkin Street 197.87 feet to a point being the TRUE POINT OF BEGINNING; thence from the true point of beginning as thus established South 88 degrees 35 minutes 54 seconds East a distance of 32.91 feet to a two inch open top pipe found; thence South 89 degrees 12 minutes 42 seconds East a distance of 41.93 feet to a point; thence departing the southerly right-of-way of Larkin Street and following along the arc of a curve to the right a distance of 23.43 feet said arc having a radius of 15.00 feet and being subtended by a chord with a bearing and distance of South 46 degrees 02 minutes 23 seconds West 21.12 feet to a point; thence South 01 degrees 17 minutes 29 seconds West a distance of 106.10 feet to a point; thence North 88 degrees 52 minutes 43 seconds West a distance of 45.00 feet to a point; thence North 01 degrees 17 minutes 29 seconds East a distance of 105.93 feet to a point; thence along the arc of a curve to the left a distance of 23.53 feet said arc having a radius of 15.00 feet and being subtended by a chord with a bearing and distance of North 43 degrees 39 minutes 13 seconds West 21.19 feet to the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 5534 square feet or 0.13 acres as shown on an Dedication / Abandonment Plat for HJ Russell, prepared by Travis Pruitt and Associates, Inc., dated February 13, 2006

EXHIBIT

"A"

LEGAL DESCRIPTION

Tract D-2

All that tract or parcel of land lying and being in land lot 84 and 85, 14th district, Fulton county, georgia, and being more particularly described as follows:

Commencing at the intersection of the northerly right-of-way of Trenholm Street (having a variable width right-of-way) and the westerly right-of-way of Peters Street (having a variable width right-of-way), thence following the northerly right-of-way of Trenholm Street 119.78 feet to a point being THE TRUE POINT OF BEGINNING; thence from the TRUE POINT OF BEGINNING as thus established north 47 degrees 07 minutes 10 seconds west a distance of 87.22 feet to a one inch open top pipe found; thence north 47 degrees 59 minutes 11 seconds west a distance of 49.02 feet to a one inch open top pipe found; thence north 47 degrees 55 minutes 53 seconds west a distance of 50.87 feet to a one inch open top pipe found; thence north 47 degrees 35 minutes 10 seconds west a distance of 49.02 feet to a one inch open top pipe found; thence north 48 degrees 26 minutes 22 seconds west a distance of 44.94 feet to a one inch open top pipe found; thence north 47 degrees 24 minutes 40 seconds west a distance of 89.49 feet to a 1/2 inch rebar found; thence north 47 degrees 56 minutes 08 seconds west a distance of 119.88 feet to a point; thence departing the northerly right-of-way of Trenholm Street north 45 degrees 38 minutes 20 seconds east a distance of 4.95 feet to a point; thence south 47 degrees 42 minutes 41 seconds east a distance of 149.41 feet to a point; thence along the arc of a curve to the left a distance of 23.59 feet said arc having a radius of 15.00 feet and being subtended by a chord with a bearing and distance of north 87 degrees 13 minutes 21 seconds east 21.23 feet to a point; thence north 42 degrees 10 minutes 42 seconds east a distance of 219.98 feet to a point; thence along the arc of a curve to the left a distance of 124.88 feet said arc having a radius of 175.00 feet and being subtended by a chord with a bearing and distance of north 21 degrees 44 minutes 05 seconds east 122.25 feet to a point; thence north 01 degrees 17 minutes 29 seconds east a distance of 105.03 feet to a point; thence south 88 degrees 52 minutes 43 seconds east a distance of 45.00 feet to a point; thence south 01 degrees 17 minutes 29 seconds west a distance of 86.05 feet to a point; thence south 17 degrees 56 minutes 07 seconds west a distance of 99.92 feet to a point; thence south 83 degrees 09 minutes 52 seconds east a distance of 14.39 feet to a point; thence, along the arc of a curve to the right a distance of 77.25 feet said arc having a radius of 220.00 feet and being subtended by a chord with a bearing and distance of south 32 degrees 07 minutes 09 seconds west 76.85 feet; thence south 42 degrees 10 minutes 42 seconds west a distance of 52.44 feet to a point; thence south 54 degrees 05 minutes 05 seconds east a distance of 4.69 feet to a point; thence south 12 degrees 10 minutes 42 seconds west a distance of 0.68 feet to a point; thence south 42 degrees 10 minutes 42 seconds west a distance of 166.26 feet to a point; thence along the arc of a curve to the left a distance of 23.53 feet said arc having a radius of 15.00 feet and being subtended by a chord with a bearing and distance of south 02 degrees 45 minutes 59 seconds east 21.19 feet thence south 47 degrees 42 minutes 41 seconds east a distance of 260.94 feet to a point; thence south 44 degrees 08 minutes 23 seconds west a distance of 6.30 feet to a point; the point of beginning.

Said tract or parcel of land contains 24,232 square feet or 0.56 acres as shown on an Dedication / Abandonment Plat for HJ Russell, prepared by Travis Pruitt and Associates, Inc., dated February 13, 2006

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	23.43	15.00	S46°02'23"W	21.12
C2	79.75	220.00	N11°40'33"E	79.31
C3	77.25	220.00	N32°07'09"E	76.85
C4	23.53	15.00	N02°45'59"W	21.19
C5	23.59	15.00	N87°13'21"E	21.23
C6	124.88	175.00	S21°44'05"W	122.25
C7	23.53	15.00	S43°39'13"E	21.19

LINE TABLE		
LINE	LENGTH	BEARING
L1	7.50	S00°29'19"W
L2	7.50	N00°29'19"E
L3	4.95	N45°38'20"E
L4	6.30	N44°08'23"E
L5	4.69	S54°05'05"E
L6	6.84	N83°09'52"W
L7	14.39	N83°09'52"W
L8	20.03	S88°44'59"E
L9	46.47	S89°12'42"E
L10	41.93	S89°12'42"E
L11	32.91	S88°35'54"E
L12	19.25	N88°52'43"W
L13	5.62	N18°23'18"E
L14	24.09	S88°35'54"E
L15	19.11	N01°17'29"E
L16	0.68	N12°10'42"E

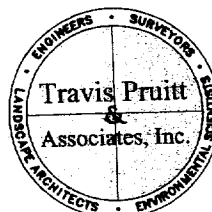
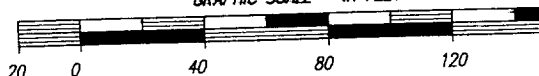
DEDICATION / ABANDONMENT PLAT FOR:

H. J. RUSSELL

LAND LOT 84 & 85
14TH DISTRICT
FULTON COUNTY
GEORGIA

FEBRUARY 14, 2006 / SCALE: 1"=40'

GRAPHIC SCALE - IN FEET



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www.travispruitt.com

DRAWN BY: MAM CHKD BY: JCA JET 1-05-0423 CAC 05423BT.4 PLOT 05423 LSV BT W: N/A

EXHIBIT

"A"